REMARKS

The Examiner is thanked for withdrawing the final rejection and entering the applicant's submission that was filed September 1, 2010.

Claims 1,2, 5, 6, 8, 9 and 11 were rejected under 35 U.S.C.§103(a) as being unpatentable over Mallik in view of Heise et al. (Heise).

Claims 10, 11 and 13 were rejected 11 and 13 were rejected under 35 U.S.C.§103(a) as being unpatentable over Mallik in view of Heise and further in view of Dronzek Claim 11 was rejected under 35 U.S.C.§103(a) as being unpatentable over Mallik in view of Heise and further in view of Leiner et al. (Leiner). Claim 13 was rejected under 35 U.S.C.§103(a) as being unpatentable over Mallik in view of Heise and Leiner further in view of Dronzek

Reconsideration is requested.

The claims were previously amended to recite that the label is a polyethylene or polypropylene polymeric label in response to a rejection over Mallik in view of Heise. That rejection was withdrawn in the Office Action of June 1, 2010. It is believed that the present claims avoid the Mallik reference which only discloses the use of polymers other than polyethylene and polypropylene where such other polymers have a MTVR of more than 100gm/m^2/24h/mil. A copy of a plastics comparison chart published by the Alpha Packaging Company is of record in the present application, That reference shows that the polylactide used by Mallik has an MVTR of 18-22 g-mil/100in^2/24h and polyethylene and polypropylene have an MVTR

of 0.5 g-mil/100in^2/24h which is approximately equivalent to 7.8 100gm/m^2/24h/mil. The use of these polymers is not made obvious by the Mallik patent which requires a minimum MVTR of 100g/m^2/24h.

Mallik is further distinguished by the fact that it is only concerned with a wet applied adhesive system as illustrated at paragraph [0022] where wet cold glue is applied to a glass surface and then a polymer film is applied to the wet cold glue on the surface of the glass. Amended claim 1 provides for applying the animal glue to a polymer film label stock and then drying the glue. Claim 1 also specifies that when the label is to be applied to a surface, the dried animal hide glue on the polymer label surface is contacted with water containing a cross-linker. The water based cross-linker is applied to the dried animal hide glue surface and then the wet label is applied to a surface. The concept of applying the cross-linker to the dried animal hide glue is not disclosed by Mallik.

Heise is concerned with a animal glue that contains both an alkaline salt and glyoxal that is used on paper and not on a polymer. This reference does not mention polyethylene or polypropylene or any other polymer and therefore there is no reason to combine this reference with Mallik. Leiner and Dronzek are not concerned with the use of cross-linked animal glues for the application of plastic films to a glass, plastic or metal surface.

The rejection of claims 10, 11 and 13 over Mallik, Heise and Dronzek or Mallik in view of Leiner was overcome by the present amendment which recites the use of a polymeric material not contemplated by the cited references. For these

reasons, it is requested that this ground of rejection be withdrawn.

Claims 1, 2, 5, 6, 8, 9 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Squier et al. (Squier) in view of Malik and Heise. Claims 10, 11 and 13 were rejected under 35 U.S.C.§103(a) as being obvious over Squier, Mallik, and Heise as applied to claims 1,2,5,6,8,9 and 11 above and further n view of Dronzek. Claim 11 was rejected under 35 U.S.C.§103(a) as being obvious over Squier, Mallik, and Heise as applied to claims 1, 2, 5, 6, 8, 9 and 11 above and further n view of Leiner. Claim 13 was rejected under 35 U.S.C.§103(a) as being obvious over Squier, Mallik, and Heise and Leiner as applied to claim 11 further n view of Dronzek.

Reconsideration is requested.

Squier was applied as disclosing a process for applying a polyethylene or polypropylene polymeric label to a glass or plastic container by the use of water based adhesives.

Squire stressed that a particular cavitated polymer film having a polyethylene or polypropylene skin is to be used as the label stock while Mallik teaches that the polymer must have a MTVR of more than 100gm/m^2/24h/mil which excludes cavitated polyethylene or polypropylene.

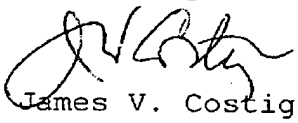
Mallik and Heise have been distinguished from the amended claims above and the disclosure of these references fails to provide any teaching that makes it obvious to combine these references with Squier. Claims 1, 11 and 17 point out that a layer of a hydrophilic solid material comprising at least 30% by dry weight of an animal glue is applied to the polyethylene or polypropylene polymeric label and dried to form a tacky fastenable layer when the dry layer is activated

with water. This is not taught or suggested by Squier, Mallik, Heise, Leiner or Dronzek who are not concerned with the use of cross-linked animal glues for the application of plastic films to a glass, plastic or metal surface. For these reasons, the cited references fail to make obvious the subject matter of the claims and it is requested that the rejections of record be withdrawn.

Claims 1, 2, 5, 6, 8-11 and 13 were rejected for double patenting over the claims of U.S. 7,090,740 in view of Heise, Mallik or Squire. This rejection is in error as there is nothing in any of the cited references that teaches the use of a cross-linked animal glue on a polymeric label that would lead a skilled artisan to use cross-linked animal glue in the claims of the Dronzek patent. For these reasons, it is requested that the rejections for double patenting be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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